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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,125	08/28/2001	Shigeo Tsuzuki	AW-C090	9821
30132	7590	03/25/2004		
GEORGE A. LOUD 3137 MOUNT VERNON AVENUE ALEXANDRIA, VA 22305				EXAMINER
				AVERY, BRIDGET D
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/857,125	TSUZUKI ET AL.
	Examiner Bridget Avery	Art Unit 3618

... The MAILING DATE of this communication appears on the cover sheet with the correspondence address  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 December 2003.  
 2a) This action is FINAL.                                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 39-62 is/are pending in the application.  
 4a) Of the above claim(s) 46-54 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 39-45 and 55-62 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. The amendment filed by applicant on December 23, 2003 is acknowledged and has been entered.
2. Applicant's reference to a personal interview on November 29, 2003 appears to be inaccurate. Applicant's response to the Final Office action (dated 8/01/03) was received on November 3, 2003. The examiner responded with an Advisory Action on December 1, 2003. The Examiner is unaware of an interview with applicant to discuss the merits of the application that occurred between November 3, 2003 and December 1, 2003, as indicated.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 39-43, 45, 55-57 and 59-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Taniguchi et al. (US Patent 6,478,101 refer to Figure 3).

Taniguchi et al. clearly teaches a drive apparatus for a hybrid vehicle including: a motor including a stator (42b) and a rotor (43); an automatic transmission having a fluid

transmitting apparatus (5) including a front cover (30) serving as an input member for receiving driving force output from an engine and the motor; a case (12) for receiving the motor; and the motor (6) is arranged radially and axially overlapping the fluid transmitting apparatus (5), with a predetermined gap (as clearly shown in Figure 3 but not described) between the rotor (43) and the fluid transmitting apparatus (5), and where the rotor is (43) supported by the output shaft (52) of the engine and an input member of the fluid transmitting apparatus (5). The rotor (43) includes a hub (17a) at a center of rotation thereof, the hub (17a) having a shaft portion contacting an output shaft/crankshaft (52) of the engine only in an axially narrow area, thereby being supported by the output shaft for free axial movement relative to the output shaft/crankshaft (52). The fluid transmitting apparatus (5) has front cover (30) covering a turbine runner (16) and serving as the input member connected to a pump impeller (17), and the front cover (30) includes a radially extending inner portion/center portion, an axially extending middle portion outward from the center portion (clearly shown in Figure 3), an outer portion (also shown in Figure 3) connected to the center portion and the rotor (43) is arranged on an outer side of and parallel to the middle portion with the predetermined gap therebetween. The front cover (30) has an axial extension at the center portion and the central hub is mounted on the axial extension, thereby centering the rotor (43). With respect to claims 55 and 59, the drive apparatus including the case (12) for receiving the motor and the rotor (43) is supported by the case (12), the input member of the fluid transmitting apparatus (5) and by the an output shaft (52) of the engine. Taniguchi et al. further teaches a multi-disc lockup clutch (36, 37) connecting

the input member (30) to the turbine (16) and arranged radially inward of the middle portion of the front cover (30). With respect to claim 45, the rotor (43) includes laminated plates (43a) and a supporting plate (45) supporting the laminated plates (43a); and the supporting plate (45) is directly centered by direct radial contact with an output shaft/crankshaft (52) of the engine.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 44, 58 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werner et al. ('985).

Werner et al. teaches the features described above.

Werner et al. lacks the teaching of a gap predetermined to range between 0.8 and 3.5mm.

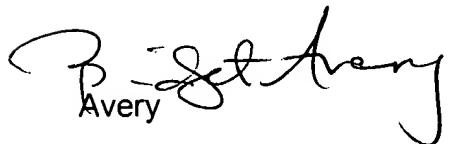
It would have been obvious to one having ordinary skill in the art, at the time the invention was made to position the elements of the drive apparatus to include a gap predetermined to range between 0.8 and 3.5mm, since it has been held that where general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

***Response to Arguments***

5. Applicant's arguments with respect to claims 20-38 have been considered but are moot in view of the new ground(s) of rejection.

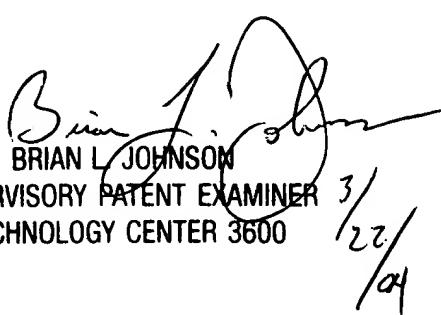
***Conclusion***

6. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 703-308-2086.



Bridget Avery

March 19, 2004



Brian L. Johnson  
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3/22/04